

United States District Court *FILED
08 AUG 12 AM 11:18
RICHARD W. KIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA*
FOR THE
NORTHERN DISTRICT OF CALIFORNIA
VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA,

v.

CR08-0272 SI
CELSO MARTEARENA-ARRIOLA

E-filing

DEFENDANT(S).

SUPERSEDING INDICTMENT

VIOLATION:

Title 8, United States Code, Section 1326 - An Alien Deported after
Conviction for an Aggravated Felony Found in the United States

A true bill.

Angeles Martearena
Foreman

Filed in open court this 12th day of Aug. 2008

Dawn L. Hom KAREN L. HOM
JOSEPH C. SPEP Clerk
UNITED STATES MAGIST JUDGE
Bail, \$ no present

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING**OFFENSE CHARGED**

Title 8 U.S.C., Section 1326 - An Alien Deported after Conviction for an Aggravated Felony Found in the United States (Class C Felony)

Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

Maximum Prison Term of 20 Years;
 Maximum Fine of \$250,000;
 Maximum Term of Supervised Release of 3 years;
 Mandatory Special Assessment of \$100.

**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

person is awaiting trial in another Federal or State Court,
 give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprocution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY DEFENSE

this prosecution relates to a pending case involving this same defendant

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

3-08-70222 JL

Name and Office of Person Furnishing Information on this form JOSEPH P. RUSSONIELLO

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Lara M. Kroop

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION 38

DEFENDANT - U.S.

CELSO MARTEARENA-ARRIOLA

DISTRICT COURT NUMBER

CR 08-0272 SI

E-filing**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) If not detained give date any prior summons was served on above charges

2) Is a Fugitive

3) Is on Bail or Release from (show District)

IS IN CUSTODY

4) On this charge

5) On another conviction } Federal State

6) Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer Yes
 been filed? No

If "Yes"
 give date
 filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year
 4/16/2008

 This report amends AO 257 previously submitted**PROCESS:**

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments:

1 JOSEPH P. RUSSONIELLO (CABN 44332)
2 United States Attorney
3
4
5
6
7

FILED
08 AUG 12 AM 11:17
RICHARD W. HARRINGTON
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
[Handwritten signature]

E-filing

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11
12 UNITED STATES OF AMERICA,) No. CR 08-0272 SI
13 Plaintiff,) VIOLATION: Title 8, United States
14 v.) Code, Section 1326 – An Alien Deported
15 CELSO MARTEARENA-ARRIOLA,) after Conviction for an Aggravated
16 Defendant.) Felony Found in the United States
17 _____) SAN FRANCISCO VENUE

18
19 SUPERSEDING INDICTMENT

20 The Grand Jury charges:

21 On or about November 29, 1994, November 14, 1995, August 7, 1998, June 21, 2001,
22 and April 27, 2005, the defendant,

23 CELSO MARTEARENA-ARRIOLA,
24 an alien, was excluded, deported and removed from the United States, and thereafter, on or about
25 April 9, 2008, was found in the Northern District of California, the Attorney General of the
26 United States and the Secretary of Homeland Security not having expressly consented to a
27 re-application by the defendant for admission into the United States, in violation of Title 8, United
28 States Code, Section 1326.

SUPERSEDING INDICTMENT

1 It is further alleged that the defendant was removed from the United States subsequent to
2 the date of conviction for an aggravated felony.

3 DATED: A TRUE BILL.

4 8/12/08
5
6

Joseph P. Russomello
7 FOREPERSON

JOSEPH P. RUSSONIELLO
7 United States Attorney

8 *Kyle F. Waldinger*
9 KYLE WALDINGER
10 Deputy Chief, Major Crimes Section

11 (Approved as to form: *[Signature]*)
12 SAUSA KROOP

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERSEDING INDICTMENT